

AFFAIRS OF THE RAILWAYS

Large Increase in Earnings of Indiana Lines in 1890 Over Previous Years.

Victory for the Monon in its Suit Against the Louisville & Nashville—Ruling Against the Atchison—The Bridge Trouble.

Reports of earnings of roads crossing Indiana are beginning to come in, and are of a highly gratifying character. P. A. Hewitt, auditor of the Big Four lines, is in the city. He says the Big Four lines, including the earnings of the road numbers, earned in December, in round numbers, \$1,300,000, being the largest earnings of any month in the history of the roads which are in the consolidation.

The Louisville, New Albany & Chicago earned in December \$221,600; increase over 1889, \$28,334. This represents the earnings of the year 1890 up to \$2,665,741; increase over 1889, \$159,918. The increase of December in freight earnings was \$23,300; in passenger earnings, \$8,500.

The officials of the Indianapolis, Decatur & Quincy, formerly the I. D. & W., are greatly pleased over the result of the operation of the road for 1890. The earnings reaching a larger amount than in any year since the road was opened for business, 1887, excepted. December was the best month of the year, the earnings being \$82,600, against \$41,848.92 in the corresponding month of 1889. The total earnings for 1890 were \$400,302.27. Of this sum \$275,072.91 was for transportation, and \$125,229.36 for the year quite a handsome sum was expended in putting new crosses under the track and betterments to bridges. The entire road is laid with heavy steel rail, most of which was put in the track within the last two years. The new year begins with the road under favorable conditions. There is still a large quantity of coal on hand to be shipped, and immense quantities of lumber and timber in the rough are being got out and placed on the line of the road for shipment.

The four Mackey lines show a handsome increase in earnings for December, aggregating \$53,424. Of this increase \$2,324 was made by the Evansville & Indianapolis, \$7,978 by the Evansville & Terre Haute, \$11,346 by the Peoria, Decatur & Evansville and \$18,876 by the Louisville, Evansville & St. Louis.

The Monon Wins an Important Suit.

In the case of the Louisville, New Albany & Chicago against the Louisville Southern road, which came up in the United States Court at Nashville, Tenn., Tuesday, before Judge H. E. Jackson, the Monon gained a decisive victory. The Louisville Southern had been leased to the L. N. A. & C., and the officials of the former claimed that the Monon failed to carry out the provisions of its lease. On the memorable night of March 27, of last year, the Louisville Southern, because of the cyclone, the Louisville Southern people took possession of the road and cut off the Monon connection at Fourteenth street. The Monon then applied to the court to have a receiver appointed, but, on the ground that local prejudice existed against the L. N. A. & C., the case was transferred to Nashville. The decision of the court is an appointment of a receiver unless the Louisville Southern people continue to furnish a quarter of a million dollars indemnity.

President W. L. Bryfigle, of the Louisville, New Albany & Chicago road, said at Chicago yesterday, that he was not yet ready to state whether his road would resume the operation of the Louisville Southern. He had not seen a copy of Judge Jackson's decision ruling that the Monon's lease of the Louisville Southern was valid, and until he had read and considered it he could not say what action his company would take in the premises. Under the decision the Monon can resume the operation of the Louisville Southern if it so desires, and the latter road must file a bond for \$250,000 to indemnify the Monon for its forcible seizure of the property or go into the hands of a receiver.

Another Ruling Against the Atchison.

The Atchison, Topeka & Santa Fe road has received another slap from the Western Passenger Association. A short time ago it was ordered by Chairman Finley to report statistics of its transcontinental business, as well those of the business embraced wholly within the territory of the association. This the Atchison people declined to do, contending that they were not required by the agreement to report their Pacific coast traffic to Mr. Finley, as such traffic was reported regularly to the Transcontinental Association, of which the Atchison is a member. The association, which transcontinental business between Chicago and the Missouri river at least was within its jurisdiction and must be included in the monthly statistics. The Atchison appealed from the chairman's decision, and yesterday the matter was submitted to a vote of the association, which unanimously sustained the chairman. Finley in his ruling. The Atchison officials are much dissatisfied, and it is understood, will demand a settlement of the question by arbitration. He said that while they are disposed to please the passenger department so far as possible, just now they think it would be unwise to increase the mileage of the line between Indianapolis and Pittsburgh by making trains Nos. 4 and 5 through trains to New York. The officials, however, will do so when the passenger department is disposed to them that the change is justified by the business of the line.

President Bryfigle, of the Louisville, New Albany & Chicago, when questioned regarding the trouble which had arisen between him and Harry Crawford, simply said that Mr. Crawford had resigned and his resignation had been accepted. He regards the statement made by Mr. Crawford concerning the financial condition of the Monon, he said, that Mr. Crawford was connected with the legal and not the financial department of the road.

A report comes from Mitchell, Ind., that a surveying corps of fifteen men is near the Pennsylvania line, over which it is proposed to build a road from Terre Haute to Louisville, passing through coal and stone deposits of Greene and Lawrence counties. The report is made on the basis of the Chicago & Eastern Illinois, the southern terminal of which is Terre Haute, has for some time past been threatening to build a road south from there to build to Louisville certainly would be a master stroke.

The Railroad Employees' Building and Savings Association.

The Railroad Employees' Building and Savings Association held its second annual meeting last evening in the office of W. T. Cannon, secretary of the Union Railway Company, and elected as officers for the ensuing year: President, D. S. Hill, superintendent of the Lake Erie & Western; vice-president, J. Q. Van Winkle, superintendent of the St. Louis division of the Big Four; secretary, W. T. Cannon; treasurer, J. E. Peirce, of the Merchants Dispatch; attorney, E. Jacoby, who is with C. W. Fairbanks, solicitor of the Big Four. The report of Secretary Cannon showed that the association had loaned, on first mortgage, \$157,000. The new year begins under very favorable auspices.

The Midland's Injunction Suit.

BRAZIL, Ind., Jan. 7.—The injunction suit in which the Indiana Midland is plaintiff and the Fort Wayne, Terre Haute & Southwestern is defendant was tried in the Clay Circuit Court to-day. Documentary evidence was introduced by the defendant to show that the old north-and-south grade had been forfeited to its original owners. Reflection was cast by affidavits of former employees or citizens from Anderson, Ladoga, Lebanon and elsewhere along the route on the road-bed, railroad stock and financial condition of the Midland. A disclaimer was then argued of any intention to trespass on the Midland's right of way from Carbon to Brazil. Mr. Crawford objected that the disclaimer was not specific as to the grade of the old north-and-south road, which, in compliance with the laws of Indiana, had been appropriated by the Midland. The right of way, Judge McGregor will render his decision Saturday.

Personal, Local and General Notes.

Thomas G. Winnett has been appointed traveling freight agent for the Northern

Pacific in this territory, vice C. H. Morgan, resigned. His headquarters will be at Chicago.

William M. Green, general manager of the Big Four lines, is in the city, and will remain through the day.

D. A. Edgar has been appointed Western agent of the Traders' Dispatch, with headquarters at Chicago, vice G. H. Stanson, resigned.

The clerical force in the offices of the Big Four at Sandusky has been reduced 33 per cent, since the Big Four took possession of the C. & E. road.

H. B. Hammond, president of the Indianapolis, Decatur & Quincy, who was West last month for a couple of weeks, since his return to New York has been confined to his room by illness.

The December report of the Ohio Southern shows an increase over December, 1889, of \$17,087, the Columbus & Hocking Valley an increase of \$20,081, the Chicago & Eastern Illinois an increase of \$27,215.

The Fort Wayne Division of the Brotherhood of Railroad Trainmen will, on the 9th of February, hold a grand reception and ball. They will make every effort to have the entertainment an interesting one.

The Louisville press has renewed its attacks on the Louisville, New Albany & Chicago road. Meantime the road is prospering, carrying more and more freight than at any time in its history.

The Southern Pacific has contracted for the building of a funeral car, with side windows and compartments for mourners. While it is to be neither expensive or elegant it will be appropriate in every respect to the service for which it is intended.

In the month of December there were 23,100 loaded cars handled in the yards of the Vandalia at Terre Haute, 10,369 for the Indianapolis division, 7,912 for the St. Louis division, 3,655 for the Logansport division and 3,585 for the Terre Haute & Peoria road.

President Ingalls is quoted as saying that the report that the Big Four would be one of the bidders at the foreclosure sale of the Louisville, New Albany & Chicago road has no foundation. The holdings of the creditors are such that it would be useless for an outside party to bid on the property.

In obedience to an application made by John F. Smith, Solicitor for the Cincinnati & Western Railroad Company, Judge Don Pardee has filed an order appointing S. L. Packard, of Houston, Tex., as receiver, and fixed the receiver's bond at \$25,000.

John L. Moore, ex-general manager of the Cincinnati, Sandusky & Cleveland road, who proposes to parallel the Big Four from Sandusky to Cincinnati, has succeeded in getting \$21,400 subscribed to the enterprise. As to build the line will cost at least \$2,000,000, he still has to raise \$1,978,600.

Notes from the Dockets.

Peter Masterson, of Chester township, Wells county, was before United States Court at Chicago, yesterday, charged with having violated the election laws. He was released on \$300 bond.

Six struck juries have been called for by parties in suits on the various State and Circuit Court dockets for this term. In each case the defendant is the petitioner and in five of them the Cleveland, Cincinnati, Chicago & Eastern Illinois, and the Chicago & Eastern Illinois railroad is defendant in suits for damages.

In regard to the Governor's right to remove Shuck a commission, as Treasurer of Jennings county, the effect of Judge Brown's decision on the various State and Circuit Court dockets for this term. In each case the defendant is the petitioner and in five of them the Cleveland, Cincinnati, Chicago & Eastern Illinois, and the Chicago & Eastern Illinois railroad is defendant in suits for damages.

The Court Record.

SUPREME COURT DECISIONS.

14312. First National Bank vs. Oliver Williams, Huntington C. C. Reversed. Olds, C. J.—If the court made a ruling upon a demurrer, and was afterwards during the trial, the court should not make such ruling as erroneous, it had the right, of its own motion, to reconsider and reverse its ruling, giving the party against whom the ruling was made the opportunity to be heard. The facts must be found clearly showing that the elements exist. First, a ruling must be made on the merits of the facts; second, the representation must have been made with knowledge of the facts; third, the party to whom it was made must have been ignorant of the facts; fourth, it must have been made with the intention that the other party should be induced to act upon it.

15329. Joseph R. Ashmead vs. John L. Reynolds et al. Gibson C. C. Reversed. Coffey, C. J.—An executor of a will and a devisee of a person of sound mind and undivided guardianship are not void, but voidable. Before an action can be maintained to set aside such a will, the plaintiff must be dissatisfied. The same rule prevails as to contracts and deeds procured by fraud. An allegation that the grantee took possession of the land under the will of an insane man is entitled to medical attention, and the physician who renders it upon request of the guardian of the insane must be satisfied that the insane man is of the estate held by the guardian.

14386. John B. Schirchler vs. Matilda Sile's estate, Fayette C. C. Affirmed. Berry, C. J.—The plaintiff's claim against an estate within thirty days before final settlement of the estate, and having failed to do so was barred.

15382. Garret H. Shover, Administrator, et al. vs. Myrick, Marion C. C. Dismissed. Berry, C. J.—The plaintiff's claim against an estate within thirty days before final settlement of the estate, and having failed to do so was barred.

15378. David L. Sheeks vs. Wm. Erwin et al. Fayette C. C. Dismissed. Berry, C. J.—The plaintiff's claim against an estate within thirty days before final settlement of the estate, and having failed to do so was barred.

15404. American Cannel Coal Company vs. Joseph P. Clemens, Administrator, et al. Perry C. C. Motion to dismiss overruled.

SUPERIOR COURT.

Room 1—Hon. Napoleon B. Taylor, Judge. Sample Loftin vs. John E. Sullivan et al.; to set aside a judgment. On trial by court. Joseph G. McPherson vs. Lester L. Morton; note. Judgment for plaintiff for \$33.

Room 2—Hon. James W. Harper, Judge. William Wallace Receiver vs. Wm. Land-fair vs. John Marquis. Judgment for plaintiff, \$65.25.

Henry Schull vs. David Grubb; account. Dismissed by plaintiff at plaintiff's cost.

Samuel S. Smith vs. John E. Sullivan et al.; to set aside a judgment. On trial by court. Joseph G. McPherson vs. Lester L. Morton; note. Judgment for plaintiff for \$33.

Room 3—Hon. Lewis C. Walker, Judge. McCormick Harvesting Machine Company vs. Lunsford Griffith et al.; note. Judgment for \$3,400.

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gested, but probably beyond formally organizing and adopting a constitution and rules and regulations, etc., in which the duties of the advisory board and the executive officers will be sharply and clearly defined, and which will be done. It is thought, however, that to accomplish so much will occupy all day, and if completed will be considered a pretty good day's work.

WHAT INDIANA SHOULD DO

Provision for a World's Fair Exhibit by the Board of Agriculture.

A Large Appropriation Recommended for Buildings and Other Needs—Papers of Interest to Farmers—Election of Members.

At the meeting of the delegate State Board of Agriculture, yesterday morning, the time was spent in discussing papers that were read. Before the first speaker was called, however, the question was raised as to what part the State of Indiana should take in the world's fair. It was unanimously agreed that the State should not be behind in the matter of appropriation, and Jasper N. Davidson submitted the following resolution:

Resolved, by the State Board of Agriculture, That it is highly important that the State of Indiana should be well represented at said exposition in its resources, and to that end recommend to the General Assembly that it speedily enact a law providing for the appointment of such commissioners, and that it make the necessary appropriations for the carrying out of the purposes thereof.

Justice Martin, one of the world's fair commissioners, spoke in favor of the resolution. He reviewed the advantages Indiana possesses of making a grand display with her building stone, hard woods and plate-glass. Other States have made liberal appropriations, he said, Texas being in the lead with \$1,000,000. He mentioned an article in yesterday's edition of the Chicago Herald, in which the Governors of several States were quoted on this same subject. Governor Hill, of New York, urged the Legislature of that State to give as generously as possible. "The State of New York," he said, "with its commanding position in the West and its unlimited resources, ought not to be behind any other State in the variety and extent of its representation." He recommended such legislation and liberal action as may be deemed necessary to facilitate a proper exhibition of the State's resources and to enable the State to participate with dignity in the great exposition.

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